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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

August 23, 2001

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Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: In the Matter of 2000 Biennial Review – Review of Policies and Rules  
Concerning Unauthorized Changes of Consumers Long Distance  
Carriers – CC Docket No. 00-257**

Dear Ms. Salas:

Cbeyond Communications, LLC (“Cbeyond”), by its attorneys and pursuant to amended Section 64.1120 (e)(2) of the Commission’s Rules<sup>1</sup>, respectfully notifies the Commission of its intent to *cancel* the transfer of certain customers of BroadRiver Communications Company (“BroadRiver”), the subject of a notification letter previously filed with the Commission.<sup>2</sup> Due to a change in business plans, the transaction will not take place.

Because Cbeyond already sent notification letters to the affected BroadRiver subscribers, Cbeyond will send new notification letters informing the subscribers of the change

<sup>1</sup> 47 C.F.R. § 64.1120 (e)(2).

<sup>2</sup> On August 3, 2001, Cbeyond filed a notification letter with the Commission, pursuant to amended Section 64.1120 of the Commission’s Rules, 47 C.F.R. § 64.1120, indicating its intent to transfer certain business customers of BroadRiver to Cbeyond without first obtaining each subscriber’s individual authorization and verification. Specifically,

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in plans. A copy of the notice to be sent to affected subscribers is appended hereto as

***Attachment A.***

If you have questions, please do not hesitate to contact Tamara Connor at (703) 918-2311.

Respectfully submitted,

CBeyond COMMUNICATIONS, LLC



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Jonathan E. Canis  
Kelley Drye & Warren LLP  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600

Tamara E. Connor  
Kelley Drye & Warren LLP  
8000 Towers Crescent Drive  
Suite 1200  
Vienna, Virginia 22182  
(703) 918-2300

Its Attorneys

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(...continued)

Cbeyond intended to acquire all of BroadRiver's retail business customers in the State of Georgia.

# **ATTACHMENT A**

Dear BroadRiver Customer,

Earlier this month, we sent a letter telling you that BroadRiver was exiting the retail business and would no longer continue to provide you with integrated phone and data services. At that time, Cbeyond Communications had entered into a contractual and financial agreement with BroadRiver in order to provide those services to you.

Our desire was to transition BroadRiver's customers in an orderly manner to our Cbeyond network during September and October so that you could continue to receive similar broadband telecommunications services. Cbeyond has similarly helped customers of other carriers like Northpoint and Covad that have voluntarily or involuntarily ceased providing customers service.

FCC notice requirements prohibited us from becoming your provider until September 2<sup>nd</sup>, at the earliest.

The plan was that on September 3<sup>rd</sup>, you would have become a Cbeyond customer and we would work with you over the next two months to transition your communications services to our network.

Yesterday, BroadRiver informed us they would not be able to proceed with this planned transition of your services to our network. What that effectively means to you is that Cbeyond Communications will not be your service provider on September 3<sup>rd</sup>.

If you have any questions concerning the reasons why the transition will not go forward as planned, we suggest that you contact BroadRiver at 1-866-288-2521 for more information. It is important that you gain your own understanding from BroadRiver of what this development means to your business.

While we understand that you still have a desire for an integrated voice and data package and we certainly have a desire to have you as a customer, it is not physically possible for us to transition you to our Cbeyond network by September 3<sup>rd</sup>.

We are still eager to earn your business and will work to gain your patronage through an expedited installation process. Should you want Cbeyond Communications to be your service provider, please call us at 678-424-2840 and we will arrange for a contract signing and immediately place you into our installation cycle.

We are dedicated to using all of our internal resources to expedite these installations as soon as possible.

Sincerely

---

James F. Geiger, CEO and President  
Cbeyond Communications

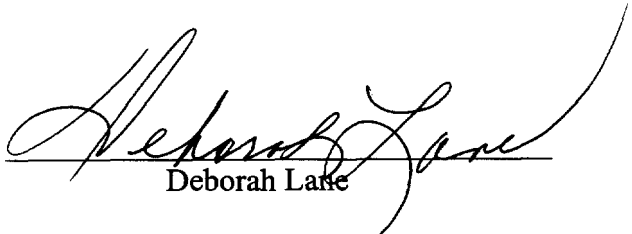
**CERTIFICATE OF SERVICE**

I, Deborah Lane, hereby certify that on this 23<sup>rd</sup> day of August, 2001, a copy of the foregoing Notification of Cbeyond Communications, LLC was delivered by hand to the following:

Michele Walters  
Federal Communications Commission  
Common Carrier Bureau  
Accounting Policy Division  
445 12<sup>th</sup> Street, S.W., Fifth Floor  
Washington, D.C. 20554

Dana Bradford  
Federal Communications Commission  
Common Carrier Bureau  
Accounting Policy Division  
445 12<sup>th</sup> Street, S.W., Fifth Floor  
Washington, D.C. 20554

International Transcription Services, Inc.  
1231 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

  
Deborah Lane